

28-11,12,13,14



Kansas Administrative Regulations
Kansas Department of Health and Environment

Notice to Reader

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Where possible KDHE will append changed regulations to the appropriate article. Once again, the lack of any attachments should not be construed as meaning there are no revisions.

Nothing contained herein should be construed as legal advice by KDHE. If you are not an attorney, you should secure competent counsel to interpret the regulations and advise you.

Office of Public Information
Kansas Department of Health & Environment

Notes

The *Kansas Register* notes the following changes:

28-10-106. **Refuse storage.** Owners of all premises on which there is located a residential, commercial, or industrial building or structure, shall provide one or more metal or plastic containers with tight fitting lid for the storage of garbage and/or trash. The lid shall be securely fastened to the can by hinge, chain, or similar device to prevent its being lost or separated from the can or container. A ring stand or rack shall be provided at the storage point to prevent the can being upset by dogs or animals unless the storage point is located inside a garage, porch or building. (Authorized by K.S.A. 1969 Supp. 65-187; effective, E-68-23, Aug. 9, 1968; effective, E-69-6, Jan. 8, 1969; effective Jan. 1, 1970.)

28-10-107. **Refuse collection standards.** (a) Frequency of collection service. Any person, company, corporation or public agency providing or offering to provide refuse collection or removal service to developers or property owners within a sanitation zone shall provide for the weekly, or more frequent collection or removal of all refuse from the storage containers at single family dwellings and commercial properties, trailer parks and mobile home parks.

(b) Collection equipment. Any person, company, corporation or public agency operating or proposing to operate a refuse collection service serving two or more property owners shall provide an enclosed truck or the equivalent, that will prevent the escape of any refuse from the truck or collection vehicle (packer trucks and vans in good operating conditions are satisfactory for this purpose). All equipment shall be inspected and approved by the reservoir sanitation officer.

Where local regulations require licensure, the operation and the equipment shall comply with all local licensure requirements.

All refuse collected and removed from properties located within a sanitation zone shall be transported to a refuse disposal site approved by the reservoir sanitation officer and specified in the service contract(s) or regulations in the case of public agencies. (Authorized by K.S.A. 1969 Supp. 65-187; effective, E-68-23, Aug. 9, 1968; effective, E-69-6, Jan. 8, 1969; effective Jan. 1, 1970.)

28-10-108. **Refuse disposal standards.** (a) Off-site disposal. All refuse collected or removed from any dwellings, or commercial establishments, trailer parks or mobile home parks shall be disposed of in one of the existing city or county

refuse disposal sites in accordance with written agreements between the refuse collector and the city or county and approved by the reservoir sanitation officer. The city or county shall compact and cover the material as often as is necessary to prevent breeding of flies, rodents and mosquitoes.

No new refuse disposal site shall be established within a sanitation zone without written approval of the location of the site and the plan for operation by the state department of health and local zoning boards where such local boards exist.

(b) On-site disposal for single family dwellings. Owners of single family dwellings located on sites where a community refuse collection and disposal service is not available shall use one of the following methods of disposal for his refuse: (1) haul the refuse in the storage container to the nearest community refuse disposal site; (2) incinerate it in an approved gas fired incinerator; or (3) bury it in a cribbed pit located on the building site and provided with a two-inch plank cover equipped with a tight fitting charging door. Such pit shall be four-six feet deep and no less than 3' 2' 3' square exclusive of lining or cribbing. The pit shall be so constructed as to exclude rodents. When the pit is filled to within 24 inches of the top of the ground, a new pit shall be dug and the old pit filled so that there is at least 24 inches of clean earth cover over the refuse. The plans shall clearly indicate where the burial pit is to be located and how it will be constructed. No open backyard trash burners, barbecue pits or similar devices shall be used for disposal of garbage or trash. (Authorized by K.S.A. 1969 Supp. 65-187; effective, E-68-23, Aug. 9, 1968; effective, E-69-6, Jan. 9, 1968; effective Jan. 1, 1970.)

Article 11.—APPROVAL OF LABORATORIES PERFORMING EXAMINATION OF MILK

28-11-1 to 28-11-6. (Authorized by K.S.A. 65-737 (g); effective Jan. 1, 1966; revoked May 10, 1996.)

Article 12.—PATHOGENIC MICROORGANISMS

28-12-1. **Distribution and use of live pathogenic microorganisms.** No pathogenic microorganisms and/or vectors shall be purchased or obtained either interstate or intrastate by persons for use at the highschool level (no ex-

ceptions). For this purpose the terms pathogenic microorganisms and vectors are defined as, "all cultures or collection or [of] microorganisms or their derivatives, which may introduce or disseminate any contagious or infectious disease of man or animals," and "all animals (including poultry) such as mice, pigeons, guinea pigs, rats, ferrets, rabbits, chickens, dogs, and the like which have been inoculated with infectious organisms, or which are diseased or infected with any contagious, infectious, or communicable disease of humans, animals or poultry, or which have been exposed to any such diseases." (Authorized by K.S.A. 65-101; effective Jan. 1, 1966.)

Article 13.—UNDERGROUND STORAGE, DISPOSAL WELLS AND SURFACE PONDS

28-13-1. **Scope.** This article regulates the construction and use of underground storage reservoirs and the construction and use of disposal wells and surface ponds for the confinement, storage and disposal of industrial fluids including but not limited to brines, but does not include regulations pertaining to oil field activities described in L. 1965, ch. 506, section 1 (4) (p). (Authorized by K.S.A. 65-164, 65-165, 65-171d; effective Jan. 1, 1966.)

28-13-2. **Definitions.** (A) Underground storage reservoir. An underground storage reservoir is hereby defined as any naturally occurring or artificially produced subsurface cavity in which petroleum products, acids, radioactive materials, or fluid or gaseous products are stored.

(B) Surface pond. The term surface pond as used herein is defined as any constructed, excavated or naturally occurring area used for the storage, confinement or treatment of industrial waste waters, salt water or other highly mineralized waters.

(C) Disposal well. The term disposal well as used herein is defined as any well which receives industrial waste waters, both organic and inorganic, salt water or other highly mineralized waters for disposal into underground formations. (Authorized by K.S.A. 65-164, 65-165, 65-171d; effective Jan. 1, 1966.)

28-13-3. **Plans and specifications for underground reservoirs.** Plans and specifications for the storage of petroleum products, acids, radioactive materials, or other fluid or gaseous prod-

ucts in underground reservoirs shall be submitted to the chief engineer for the board and approved prior to construction or development of the reservoir. (Authorized by K.S.A. 65-171d; effective Jan. 1, 1966.)

28-13-4. **Maintenance of certain records and reports of malfunctions required for underground reservoirs.** Operators of underground reservoirs shall maintain a permanent record of the type and quantity of all products stored therein, and a continuous record of the injection pressures, and shall report immediately to the chief engineer for the board any failures or defects in the underground reservoir. (Authorized by K.S.A. 65-171d; effective Jan. 1, 1966.)

28-13-5. **Permits required for all surface ponds.** The storage, confinement or disposal of industrial waste waters, salt water or other highly mineralized waters in surface ponds shall be prohibited unless a permit for such storage or disposal shall first be obtained from the state department of health. (Authorized by K.S.A. 65-171d; effective Jan. 1, 1966.)

28-13-6. **Applications for pond permits.** Applications for permits for surface ponds shall be submitted in duplicate to the chief engineer for the board on forms obtainable from his office. (Authorized by K.S.A. 65-171d; effective Jan. 1, 1966.)

28-13-7. **Approval or denial of applications.** Applications for permits to use surface ponds will be approved or denied within ten days from date of receipt of the application, information and supporting plans, specifications and other required documents, by the state department of health. Failure by the department to act upon an application within ten days subsequent to such receipt shall serve as an automatic issuance of a permit. (Authorized by K.S.A. 65-171d; effective Jan. 1, 1966.)

28-13-8. **Authorized signatures.** All permits and orders of revocation shall be signed by the chief engineer for the board. (Authorized by K.S.A. 65-171d; effective Jan. 1, 1966.)

28-13-9. **Removal of material from surface ponds upon abandonment or revocation of pond permit.** Upon abandonment of a surface pond or the revocation of a pond permit, the operator shall dispose of the industrial waste water, salt water or other highly mineralized waters in a

manner acceptable to the Kansas state department of health. (Authorized by K.S.A. 65-171d; effective Jan. 1, 1966.)

28-13-10 to 28-13-11. (Authorized by K.S.A. 65-164, 65-165, 65-171d; effective Jan. 1, 1966; revoked May 10, 1996.)

Article 14.—COLLECTION AND ANALYSIS OF WATER AND PUBLIC WATER SUPPLIES

28-14-1. Fees for analysis of samples from water supply systems and wastewater systems. All laboratory analyses conducted in the environmental laboratories of the department of health and environment for other than special samples requested by staff of the department shall require payment in accord with the following schedule of fees. Fees for any unusual analysis not shown in the schedule shall be based on costs of such analysis as determined by the department. (Authorized by K.S.A 1978 Supp. 65-156, 65-166a; effective Jan. 1, 1966; amended, E-79-13, June 15, 1978; amended May 1, 1979.)

28-14-2. Schedule of fees. All public water supply systems submitting samples for analysis to the environmental laboratories of the department of health and environment in conformance with the requirements of K.A.R. 28-15-14 shall receive a quarterly statement reflecting the cost of services rendered during the previous calendar quarter. Fees shall be paid to the department of health and environment, Topeka, Kansas 66620, within 30 days of receipt of statement. Failure to pay fees will result in denial of future analytical services.

(a) Complete chemical analysis consisting of:	\$90.00
(1) Calcium	(11) pH
(2) Magnesium	(12) Turbidity
(3) Sodium	(13) Specific conductance
(4) Potassium	(14) Total dissolved solids
(5) Total hardness	(15) Total phosphate
(6) Total alkalinity	(16) Silica
(7) Chloride	(17) Iron
(8) Sulfate	(18) Manganese
(9) Nitrate	(19) Ammonia nitrogen
(10) Fluoride	
(b) Complete heavy metals and cyanide consisting of:	\$120.00
(1) Iron	(5) Cadmium
(2) Manganese	(6) Chromium
(3) Arsenic	(7) Copper
(4) Barium	(8) Lead

(9) Mercury	(13) Nickel
(10) Selenium	(14) Antimony
(11) Beryllium	(15) Thallium
(12) Zinc	(16) Cyanide
(c) Total hardness consisting of calcium and magnesium:	\$13.00
(d) Individual analysis:	
(1) Total suspended solids	\$5.50
(2) Alkalinity	4.50
(3) Chloride	4.50
(4) Sulfate	4.50
(5) Nitrate	4.50
(6) Ammonia nitrogen	4.50
(7) Total phosphate	5.50
(8) Nitrite	4.50
(9) Cyanide	12.50
(10) Total kjeldahl nitrogen	10.00
(11) Iron	6.50
(12) Manganese	6.50
(13) Sodium	6.50
(14) Potassium	6.50
(15) Calcium	6.50
(16) Magnesium	6.50
(17) Silica	6.50
(18) Arsenic	7.50
(19) Selenium	7.50
(20) Lead	7.50
(21) Cadmium	7.50
(22) Mercury	10.50
(23) pH	4.00
(24) Hexavalent chromium	10.00
(25) Turbidity	4.00
(26) Total dissolved solids (180°C)	15.00
(27) Specific conductivity	4.00
(28) Fluoride	4.50
(29) Antimony	7.50
(30) Thallium	7.50
(31) Ortho-phosphate	4.50
(32) Other heavy metals	6.50
(33) Organic chemistry screen for toxic levels of pesticides and herbicides	200.00
(34) Volatile organic compounds-regulated, unregulated	75.00
(35) Total trihalomethanes, consisting of the total of chloroform, chloro dibromomethane, dichloro bromomethane and bromoform	35.00
(36) Coliform determination	8.00
(37) Radiation chemistry screen for gross alpha and gross beta activity	45.00
(38) Radon	35.00
(e) Toxicity characteristic leaching procedure	100.00

(Authorized by K.S.A. 75-5625; and implementing K.S.A. 65-156, 65-166a; effective Jan. 1, 1966; amended, E-79-13, June 15, 1978; amended May 1, 1979; amended May 1, 1982; amended, T-88-13, May 18, 1987; amended May 1, 1988; amended Jan. 4, 1993.)

28-14-3 and 28-14-4. (Authorized by K.S.A. 1978 Supp. 65-156; effective Jan. 1, 1966; revoked, E-79-13, June 15, 1978; revoked May 1, 1979.)

Article 15.—APPLICATION FOR PERMITS; DOMESTIC WATER SUPPLY

28-15-1 to 28-15-10. (Authorized by K.S.A. 65-162, 65-163; effective Jan. 1, 1966; revoked May 1, 1982.)

28-15-11. **Definitions.** (a) “Public water supply system” or “system” means a system for delivery to the public of piped water for human consumption, that has at least 10 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. This term shall include any source, treatment, storage or distribution facilities used in connection with the system.

(b) “Community water supply system” means a public water supply system which has at least 10 service connections used by year-round residents or that regularly serves 25 year-round residents.

(c) “Non-community water supply system” means a public water supply system which is not a community water supply system.

(d) “Non-transient non-community water supply system” means a public water supply system that is not a community water supply system and that regularly serves at least 25 of the same persons at least six months per year.

(e) “Department” means the Kansas department of health and environment.

(f) “Secretary” means the secretary of health and environment.

(g) “Laboratory tests” means all bacteriological, chemical, physical or radiological tests made by either the departmental laboratory or an approved laboratory on water samples which were submitted by the operator of a system to confirm the quality of the water.

(h) “Operating records and reports” means the daily record and the monthly report of data connected with the operation of the system facilities.

(i) “Sanitary survey” means an on-site appraisal of a public water supply system for the purpose of evaluating the adequacy of the water source, facilities, equipment, operation and maintenance.

(j) “Approved laboratory” means a laboratory certified and approved by the department to analyze water samples to determine compliance with

maximum contaminant levels, or to perform other required analyses.

(k) “Maximum contaminant level” (MCL) means the maximum permissible level of a contaminant in water which is delivered to any user of a public water supply system, or measured at other locations specified in these regulations.

(l) “Distribution system” means the system of conduits and appurtenances by which a water supply is distributed to consumers.

(m) “Turbidity” means the cloudy condition of water caused by the presence of finely suspended matter such as clay, silt, plankton, and microscopic organisms, resulting in the scattering and absorption of light rays. Measured in nephelometric turbidity units (NTU).

(n) “Point-of-entry treatment device” means a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

(o) “Point-of-use treatment device” means a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that particular tap.

(p) “Confluent growth” means a continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion thereof, in which bacterial colonies are not discrete.

(q) “Domestic or non-distribution system plumbing problem” means a coliform contamination problem in a public water system with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

(r) “System with a single service connection” means a system which supplies drinking water to consumers via a single service line.

(s) “Too numerous to count” means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

(t) “Coagulation” means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

(u) “Conventional filtration treatment” means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

(v) (1) “CT or CT Calc” means the product of “C”² “T,” where: